

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-51151-659 Chapter 13
CARLITO MENDOZA MAMANGON)
) Trustee's Objection to Confirmation
EDNA DELA CRUZ MAMANGON)
) Original confirmation hearing
Debtor(s)) set for Nov 23, 2010 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Paragraph 5A fails to provide an interest rate and cure period for pre-petition home loan arrears.
2. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
3. The plan pays attorney fees in excess of that owed per the 2016(b) form.
4. The set monthly payments to be made by the Trustee exceed the plan payment.
5. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
PLAN FAILS TO ADDRESS POST PETITION PAYMENTS ON 2ND
MORTGAGE AND CONTAINS INSUFFICIENT FUNDS TO PAY THIS
DEBT IN FULL. LIEN STRIPPING PROVISION IS NOTED.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either
through the Court's ECF system or by
ordinary mail on October 28, 2010 :

John V LaBarge Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143 (314) 781-8100
trust33@chl3stl.com Fax: (314) 781-8881

GOLDBERG LAW FIRM LLC
6901 GRAVOIS AVE
ST LOUIS MO 63116

CARLITO MENDOZA & EDNA DELA CRUZ MAMANGON
713 RUTH AVE
FESTUS MO 63028